

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31763 of 2015

Arising Out of PS.Case No. -16 Year- 2013 Thana -RAJPUR District-
EASTCHAMPARAN(MOTIHARI)

=====

Nagendra Tiwary S/o Late Ramadhar Tiwary Resident of village -
Mamarkha - P.S. Malahi, District - East Champaran, Motihari

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Nityanand Tiwary(App)

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 21-12-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under Sections 20(6), 22, 23 and 24 of the Narcotic Drugs and Psychotropic Substances Act.

Allegation against the petitioner is that from his possession 44 kg. ganja was recovered while he was boarded in a bus.

It has been submitted on behalf of the petitioner that he is in custody since 23.2.2013. The petitioner has got no criminal antecedent. Chargesheet has been submitted in the present case. There is no allegation of tampering of evidence against the petitioner. As per prosecution case, 44 kg. ganja is said to have been recovered from the possession of the petitioner. There is no compliance of Section 50 of the Narcotic Drugs and Psychotropic Substances Act. Vide order dated 13.10.2015 there was a direction to the Superintendent of Police, East Champaran at Motihari, to ensure that all the remaining witnesses in the present

case be produced on the date fixed by the trial court. The trial court vide its letter dated 9.11.2015 had sent a list of official witnesses, who were to be examined in the present case, to the Superintendent of Police, East Champaran at Motihari, but no step was taken by him. Hence, this Court vide order dated 26.11.2015 directed the Superintendent of Police, East Champaran at Motihari, to file a show cause in the present case. The said show cause is at flag 'B'. From perusal of the said report it appears that already one of the official witnesses has been produced before the trial court, who has been examined and cross-examined on 15.12.2015. It has further been ensured by the Superintendent of Police that remaining official witnesses will be produced before the trial court on the date fixed.

Considering the said assurance made on behalf of the Superintendent of Police, East Champaran at Motihari, in his show cause, the same is accepted. The trial court is directed to take all necessary steps to conclude the trial on day to day basis within a period of six months from the date of receipt/production of a copy of this order. The Superintendent of Police, East Champaran at Motihari, is also directed to ensure that the witnesses are produced in the trial court on the date fixed. The bail application of the petitioner is rejected at this stage.

Let a copy of this order be communicated to the Superintendent of Police, East Champaran at Motihari, for necessary action.

(Sudhir Singh, J)

sudip/-

U		T	
---	--	---	--